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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,100	09/20/2001	Katsuki Suematsu	NAGAT25.001AUS	5086

22850 7590 01/29/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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KIANNI, KAVEH C

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/960,100	SUEMATSU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kevin C Kianni	2877	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 07 November 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

### **DETAILED ACTION**

**NOTE:** Acknowledgement made of applicant's canceling claims 2-3.

#### ***Reason for Allowing Claim 4***

1. Claim 4 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious said guide hole portion having a taper portion formed on a minute hole portion side in such a way that said taper portion is tapered toward said minute hole portion and has a length  $L_t$  set to  $1 \leq L_t/L_g \leq 1/3$  where  $L_g$  is a, total length of said guide hole portion in combination with the rest of the limitations of the base claim.

### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtsuka et al. (US 6162740).

Regarding claims 7 and 5, Ohtsuka teaches a ferrule (shown in at least fig. 1) comprising pin holes 10 for insertion of guide pins (see fig. 1, item 19);

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an opening which communicates with said plurality of fiber holes and through which an adhesive for securely adhering said optical fibers in said fiber holes is injected (see at least col. 5, lines 35-44);

a row of fiber holes 13 for insertion of optical fibers 52 formed at predetermined intervals, the row having a plurality of fiber holes formed between said pin holes 10, (shown in at least fig. 1, items fiber holes 13; see col. 4, lines 35-47);

wherein each fiber hole having a guide hole portion of a minute hole portion whose inside diameter is smaller than that of said guide hole portion (shown in fig. 2 and 11, item tapered guide portion 23 and minute portion 21; see also col. 5, lines 6-7 and 35-44, and col. 8, lines 2-11).

However, Ohtsuka does not specifically teach: wherein the above row of fiber holes are a 'plurality' of fiber holes; and said guide hole portion being formed in such a way that said inside diameter thereof becomes smaller in a stepwise manner toward said minute hole portion. Nevertheless, Ohtsuka teaches a guide hole portion 23 being formed in such a way that said inside diameter thereof becomes smaller in a continuous manner toward said minute hole portion 21/22 as shown in fig. 2 and 11. Therefore, it would have been obvious to a person of ordinary skill in the art when the invention was made as a matter of design choice to produce the above single row of fiber holes 13 into a plural row of holes and modify the above continuously tapering holes into a conventional stepwise tapering holes since such modification would prevent optical transmission loss and would prevent the optical fibers from breaking (see col. 1, lines 57-61) and since it has been held that mere duplication of the essential working parts of

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a device involves only routine skill in the art. St Regis Paper Co. v. Bemis Co., 193 USPQ 8. and rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Regarding claim 6, Ohtsuka further teaches wherein said guide hole portion being formed in such a way that said inside diameter thereof becomes smaller continuously toward said minute hole portion (shown in at least fig. 2, item guide hole portion 23 tapers continuously toward minute portion 21).

#### ***Response to Arguments and Amendment***

4. Applicant's argument filed on 11/07/03 have been fully considered but they are not persuasive.

Applicant asserts (page 4, 3<sup>rd</sup> parag.) that Ohtsuka does not teach a ferrule having a plurality of rows of fiber holes. Examiner responds that Ohtsuka teaches a row of fiber holes 13, in which it would have been obvious to a person of ordinary skill in the art when the invention was made as a matter of design choice to modify Ohtsuka's Ferrule by replacing the row of fiber holes 13 into a plural row of fiber holes in order to reduce costs and prevent optical transmission loss (see col. 1, lines 57-61) and since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St Regis Paper Co. v. Bemis Co., 193 USPQ 8. and rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Regarding applicant's comments of Ohtsuka's ferrule not being able to guide the ends of fiber surly and smoothly, the examiner responds that this limitation is not a part of any claim and that Ohtsuka, except of claim 4, teaches all limitations of claims 5-7.

- The examiner kindly advises the applicant to further limit claim 7, in order to make all the elected claims allowable.

***THIS ACTION IS MADE FINAL***

5. This action in response to applicant's amendment made FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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**Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Cyrus Kianni whose telephone number is (703) 308-1216.

The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached at (703) 308-4881.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9306 (for formal communications intended for entry)

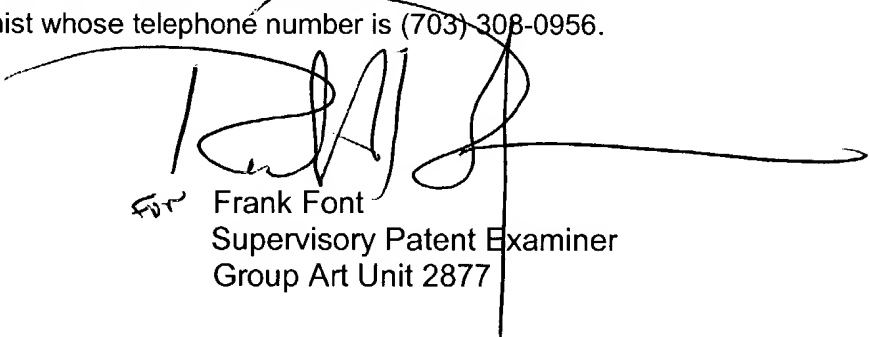
**or:**

Hand delivered responses should be brought to Crystal Plaza 4, 2021 South Clark Place, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956.

K. Cyrus Kianni  
Patent Examiner  
Group Art Unit 2877

January 12, 2004

  
for Frank Font  
Supervisory Patent Examiner  
Group Art Unit 2877

**Richard A. Rosenberger**  
Primary Examiner